

ORDINANCE NO. 2003 -061

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **FUTURE LAND USE ELEMENT** (TO REVISE AND UPDATE, TO REVISE LANGUAGE DEALING WITH TRADITIONAL DEVELOPMENT DISTRICTS (TDD), TO REVISE LANGUAGE TO ALLOW RURAL RESIDENTIAL PLANNED DEVELOPMENTS, TO REVISE LANGUAGE TO PROHIBIT THE CREATION OF RESIDUAL PARCELS DURING THE RE-ZONING PROCESS; TO CLARIFY LANGUAGE REGARDING THE MULTIPLE LAND USE (MLU) DESIGNATION); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 13 & 27 and July 11, 2003 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 21, 2003 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on October 8, 2003 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated October 3, 2003 which was the Department's

1 written review of the proposed Comprehensive Plan amendments; and

2 WHEREAS, on November 24, 2003 the Palm Beach County Board of
3 County Commissioners held a public hearing to review the written
4 comments submitted by the Department of Community Affairs and to
5 consider adoption of the amendments; and

6 WHEREAS, the Palm Beach County Board of County Commissioners has
7 determined that the amendments as modified satisfy the concerns
8 addressed in the Department of Community Affairs' "Objections,
9 Recommendations and Comments Report" and comply with all requirements
10 of the Local Government Comprehensive Planning and Land Development
11 Regulations Act.

12 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
13 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

14 Part I. Amendments to the 1989 Comprehensive Plan

15 Amendments to the text of the following Elements of the 1989
16 Comprehensive Plan are hereby adopted and attached to this Ordinance
17 in Exhibit 1:

18 A. Future Land Use Element, to revise and update, to revise
19 language dealing with Traditional Development Districts
20 (TDD), to revise language to allow Rural Residential
21 Planned Developments, to revise language to prohibit the
22 creation of residual parcel during the re-zoning process,
23 to clarify language regarding the Multiple Land Use (MLU)
24 designation; and

25 B. Amending all elements as necessary for internal
26 consistency.

27 Part II. Repeal of Laws in Conflict

28 All local laws and ordinances applying to the unincorporated area
29 of Palm Beach County in conflict with any provision of this ordinance
30 are hereby repealed to the extent of such conflict.
31

1 Part III. Severability

2 If any section, paragraph, sentence, clause, phrase, or word of
3 this Ordinance is for any reason held by the Court to be
4 unconstitutional, inoperative or void, such holding shall not affect
5 the remainder of this Ordinance.

6 Part IV. Inclusion in the 1989 Comprehensive Plan

7 The provision of this Ordinance shall become and be made a part
8 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
9 Ordinance may be renumbered or relettered to accomplish such, and the
10 word "ordinance" may be changed to "section," "article," or any other
11 appropriate word.

12 Part V. Effective Date

13 The effective date of this plan amendment shall be the date a
14 final order is issued by the Department of Community Affairs or
15 Administration Commission finding the amendment in compliance in
16 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
17 applicable. No development orders, development permits, or land uses
18 dependent on this amendment may be issued or commence before it has
19 become effective. If a final order of noncompliance is issued by the
20 Administration Commission, this amendment may nevertheless be made
21 effective by adoption of a resolution affirming its effective status,
22 a copy of which resolution shall be sent to the Florida Department of
23 Community Affairs, Division of Community Planning, Plan Processing
24

1 Team. An adopted amendment whose effective date is delayed by law
2 shall be considered part of the adopted plan until determined to be
3 not in compliance by final order of the Administration Commission.
4 Then, it shall no longer be part of the adopted plan unless the local
5 government adopts a resolution affirming its effectiveness in the
6 manner provided by law.

7 APPROVED AND ADOPTED by the Board of County Commissioners of Palm
8 Beach County, on the 24 day of November, 2003.

9
10 ATTEST:

11 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,

BY ITS BOARD OF COUNTY COMMISSIONERS

12
13
14 By: Linda E. Hooker
15 Deputy Clerk

16 By: Karen T. Marcus
17 Karen T. Marcus, Chair

18 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

19
20 [Signature]
21 COUNTY ATTORNEY

22 Filed with the Department of State on the 3 day of
23 December
24 _____, 2003.

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26

EXHIBIT 1

A. Future Land Use Element, General Future Land Use Revisions

REVISIONS: To revise and update. The revisions are shown with the added text underlined, and the deleted text ~~struck out~~.

II. Goals, Objectives & Policies

Policy 1.2-d: The County may allow an increase in density greater than the HR-12 Future Land Use category in appropriate areas within the County to direct growth away from natural resources and to use infrastructure more efficiently if the proposed development applies one of the following:

1. The Voluntary Density Bonus Program for Planned Development Districts that sets aside a certain percentage of units for affordable housing, as described in the Housing Element Objective 1.5;
2. The Transfer of Development Rights (TDR) Program as described in Objective 2.6;
3. The affordable housing provisions of Housing Objective 1.1;
4. The provisions of a Special Overlay as described in Future Land Use Table 2.1-3; or
5. The Traditional Neighborhood Development, Traditional Marketplace Development, Traditional Town Development, Mixed-use Planned Development districts, or Transit Oriented Development option.

Policy 1.2-k: The County shall prohibit new isolated mid-block commercial future land use designations along all arterials and collectors, unless such development is ~~designed within a Traditional Neighborhood Development, or is~~ planned as a Traditional Neighborhood Development, Traditional Marketplace Development or Mixed-Use Planned Development.

Policy 1.2.1-a: Palm Beach County shall encourage the development of a variety of innovative types of mixed-use projects, including, but not limited to:

1. Traditional Marketplace Development;
2. Traditional Neighborhood Development;
3. Mixed-Use Planned Development;
4. Planned Industrial Park Development, and,
5. Traditional Town Development.

Policy 1.3-b: The Rural Residential 2.5 (RR 2.5) Future Land Use category shall be established to maintain a rural residential lifestyle for the Exurban Tier. The County will initiate an amendment to the Future Land Use Atlas to designate qualifying subdivisions, which meet the criteria listed below, as RR2.5.

1. The average lot size is less than 5 acres;
2. The number of lots eligible for further subdivision does not exceed 15% of the total number of existing lots, consistent with the County's 85% Rule described in Land Use Policy 2.2.1-f; and,
3. The number of potential new lots created has minimal impact on the transportation network as defined in Land Use Policy 3.5-d.

This ~~new~~ future land use category shall recognize all existing lots as of the date of the designation, but shall require a minimum of 2.5 acres for all newly created lots thereafter, unless developed as a Rural Residential (RR) Cluster or Variable-Lot-Size development. Development Orders or Permits that require a specific plan for development shall comply with the provisions of the concurrency management system of the County.

Policy 1.3-d: Any parcel of land in the Exurban Tier shall not be further subdivided to form additional parcels, nor reduced in size, unless: all parcels have a minimum lot size of 2.5 acres, or are developed as a Rural Residential (RR) Cluster or Variable-Lot-Size development. Parcels may be subdivided for the purpose of enlarging other parcels in the subdivision. The overall number of units for the reconfigured lots may not exceed the original number of units calculated for the parcels prior to their reconfiguration.

Policy 1.4-b: The Rural Residential (RR-5) Future Land Use category shall be established to maintain a rural residential lifestyle for the Rural Tier. The County will initiate an amendment to the Future Land Use Atlas to designate qualifying subdivisions, which meet the criteria listed below, as RR-5:

1. The average lot size is less than 10 acres;
2. The number of lots eligible for further subdivision does not exceed 15% of the total number of existing lots, consistent with the County's 85% Rule described in Land Use Policy 2.2.1-f; and,
3. The number of potential new lots created has minimal impact on the transportation network as defined in Land Use Policy 3.5-d.

This new future land use category shall recognize all existing lots as of the date of the designation, but shall require a minimum of 5 acres for all newly created lots thereafter, unless developed as a Rural Residential (RR) Cluster or Variable-Lot-Size development. Development Orders or Permits, which require a specific plan for development, shall comply with the provisions of the concurrency management system of the County.

Policy 1.4-d: Any parcel of land in the Rural Tier shall not be further subdivided to form additional parcels, nor reduced in size, unless: each parcel created is consistent with the minimum lot size required by its respective future land use designation, or is developed as a Rural Residential (RR) Cluster or Variable-Lot-Size development. Parcels may be subdivided for the purpose of enlarging other parcels in the subdivision. The overall number of units of the reconfigured lots may not exceed the original number of units calculated for the lots being reconfigured.

Policy 1.4-h: Non-residential development shall be designed in the form of a Traditional Marketplace, or the development shall comply with rural design standards in the ULDC to ensure protection of the character of the Tier and to minimize impacts on adjacent neighborhoods. Standards for Traditional ~~Market Place~~ Marketplace Development shall also ~~be developed to~~ reflect the scale and character of the Rural Tier.

Policy 1.5-b: Within the Agricultural Reserve Tier there are existing land uses which are benign to the purposes of the Tier ~~Reserve~~ and/or which provide essential services for farmworkers and residents of the Tier ~~Reserve~~. The uses below are to be accommodated as a part of the continuation of the Tier ~~Reserve~~.

1. Eternal Light Cemetery;
2. Faith Farms;
3. 4 Points Market;
4. 3 Amigos Convenience Store;
5. Fina Gas Station-Hey 4 U Trucking;
6. ~~Limited community serving commercial services through designation of the Community Commercial Services Overlay (CCSO) at the southwest quadrant of the intersection of State Road 806 (Atlantic Avenue) and State Road 7 as allowed by the Unified Land Development Code (ULDC); and~~
7. 6. Churches, farm worker quarters, and social service facilities.

In the event that any of these existing uses, or those that legally existed along Boynton Beach Boulevard, Atlantic Avenue and S.R. 7/441 prior to the August 27, 2001 adoption of the Agricultural Reserve Master Plan provisions into the Comprehensive Plan, are eliminated due to Right-of-Way Acquisition or Eminent Domain, and relocation of the use on the current site is infeasible, then the use may be relocated to an adjacent site upon approval of the Board of County Commissioners. Any expansion of the current use (with no new uses) will be subject to the requirements of ~~the CCSO as allowed by~~ Unified Land Development Code, Comprehensive Plan, and approval shall be at the discretion of the Board of County Commissioners.

Policy 1.5-l: The County may approve a maximum of 80 acres within the Agricultural Reserve Tier with a Commercial Low designation. This maximum acreage shall not include the acreage required as the preserve area of an Agricultural Reserve Traditional Marketplace Development (AgR-TMD) pursuant to Future Land Use Policy 1.5.1-n. ~~In addition, no more than 750,000 square feet of commercial retail, including office space, shall be permitted within this Commercial Low land use designation.~~

Policy 1.5-m: All new Commercial Low development in the Agricultural Reserve Tier shall be in the form of an AgR-TMD, as described in the Traditional Marketplace Development provisions in the Implementation Section of the FLUE and shall not exceed a total of 750,000 square feet of Commercial Low uses for the entire tier. ~~A Commercial Low-Office development in the Agricultural Reserve Tier is not required to be in the form of an AgR-TMD. However, approval of a Commercial Low-Office development must comply with the preserve area requirements for TMDs included in Future Land Use Policies 1.5.1-m and 1.5.1-n. All land use amendments seeking Commercial Low or Commercial Low-Office designation in the Agricultural Reserve Tier shall be accompanied by site plans illustrating compliance with the AgR-TMD or with the applicable regulations as specified above. Applications for rezoning of property seeking a commercial land use designation shall be filed concurrent with the Plan amendment.~~

Policy 1.5-n: A Commercial Low-Office development in the Agricultural Reserve Tier is not required to be in the form of an AgR-TMD. However, approval of a Commercial Low-Office development must comply with the preserve area requirements for TMDs included in Future Land Use Policies 1.5.1-m and 1.5.1-n.

Policy 1.5-o: All land use amendments seeking Commercial Low or Commercial Low-Office designation in the Agricultural Reserve Tier shall be accompanied by site plans illustrating compliance with the AgR-TMD or with the applicable regulations as specified in the Comprehensive Plan and the ULDC. Applications for rezoning of property seeking a commercial land use designation shall be filed concurrent with the Plan amendment.

Policy 1.5-ng: Freestanding golf courses shall be allowed as the only form of commercial recreation in the Agricultural Reserve Tier. All development rights shall be removed from the site seeking the Commercial Recreation (CR) designation. Golf courses associated with residential or nonresidential development using the 60/40 Planned Development Option shall not be permitted to use this designation. Gaming, parimutuel wagering, off-track betting, or events or activities held or broadcast for similar purposes shall be prohibited in the Agricultural Reserve Tier.

Policy 1.5-eg: All freestanding golf courses designated as Commercial Recreation in the Agricultural Reserve Tier shall have a management plan which, at a minimum, shall contain the following:

1. an integrated pest management plan designed to prevent contamination of ground and surface water from pesticides, herbicides, and fertilizers;
2. a water quality and quantity monitoring plan with emphasis on impacts to adjacent wetlands and surface waters;
3. best management practices which, at a minimum, identify procedures to be followed for the construction, irrigation, operation, and maintenance of the golf course; and
4. a landscape plan utilizing only native or drought tolerant species for all landscape requirements.

Policy 1.5-pr: Institutional and Public Facilities uses shall be allowed in the Agricultural Reserve Tier. Such uses shall not be permitted west of State Road 7.

Policy 1.6-a: The following general future land use designations shall be allowed in the Glades Tier:

1. Rural Residential, limited to Rural Residential 20 and Rural Residential 10;
2. Agricultural, limited to the Agricultural Production (AP) category;
3. Conservation categories;
4. Parks and Recreation;
5. Commercial Recreation;
6. Spoil;
7. Transportation and Utilities; and,

within the general areas of Lake Harbor and Canal Point, which are rural towns with both rural and urban land uses, the following additional future land use designations of shall be allowed:

8. Residential categories ranging from Rural Residential 2.5 (RR 2.5) to Medium Residential 5 (MR 5);
9. Commercial, limited to the Commercial Low (CL) and Commercial Low-Office (CL-O) categories,
10. Industrial;
11. Institutional and Public Facilities; and,

within the Glades Urban Service Area, the future land use designations of the Urban/Suburban Tier shall apply.

Policy 2.2-f: The County shall not approve site specific Future Land Use Atlas amendments, which encourage piecemeal development or create residual parcels. The County shall also not approve rezoning petitions under the same or related ownership that result in the creation of residual parcels.

**TABLE 2.1-1
RESIDENTIAL CATEGORIES & ALLOWED DENSITIES**

CATEGORY	Dwelling Units Per Gross Acres			
	Maximum	Standard ¹	Minimum	Entitlement ²
Agricultural Production	---	0.10 DU/AC	---	---
Special Agriculture	---	0.10 DU/AC	---	---
Agricultural Reserve	1.0 DU/AC	0.20 DU/AC	---	---
Rural Residential 20 Not to exceed 1 du per 20 acres	---	0.05 DU/AC	---	0.05 DU/AC
Rural Residential 10 Not to exceed 1 du per 10 acres	---	0.10 DU/AC	---	0.05 DU/AC
Rural Residential 5 Not to exceed 1 du per 5 acres	---	0.20 DU/AC	---	0.05 DU/AC
Rural Residential 2.5 Not to exceed 1 du per 2.5 acres	---	0.40 DU/AC	---	0.05 DU/AC
Low Residential 1 Not to exceed 1 du per 1 acre	---	1.0 DU/AC	---	0.1 DU/AC
Low Residential 2 Up to 2 du per 1 acre	2.0 DU/AC	1.5 DU/AC	---	0.1 DU/AC
Low Residential 3 Up to 3 du per 1 acre	3.0 DU/AC	2.0 DU/AC	---	0.1 DU/AC
Medium Residential 5 Up to 5 du per 1 acre	5.0 DU/AC	4.0 DU/AC	---	0.2 DU/AC
High Residential 8 5 to 8 du per 1 acre	8.0 DU/AC	6.0 DU/AC	5.0 DU/AC	0.4 DU/AC
High Residential 12 ³ 5 to 12 du per 1 acre	12.0 DU/AC	8.0 DU/AC	5.0 DU/AC	0.4 DU/AC
High Residential 18 ³ 5 to 18 du per 1 acre	18.0 DU/AC	8.0 DU/AC	5.0 DU/AC	0.4 DU/AC

- 1. The Standard density is the highest density permitted in each future land use category, unless the parcel is developed as a Planned Development District, Traditional Development District or is granted an exemption pursuant to this Element.
- 2. The Entitlement density is as shown, or 1 unit per lot, whichever is greater.
- 3. High Residential 12 is the maximum density allowed by the Comprehensive Plan except for those areas that had a future land use designation of High Residential 18 prior to adoption of the 1989 Comprehensive Plan or for development that qualifies for a density bonus provided for in FLUE Policy 1.2-d.

TABLE 2.1-2
Maximum Floor Area Ratios (FARs) For Non-Residential Future Land Use
Categories and Non-Residential Uses

Future Land Use	FLU Category	Tier				
		Urban/Suburb	Exurban	Rural	Ag Reserve	Glades
Residential	All Residential Categories	.35 (Low Density) .45 (Medium & High Density)	.20 (.15 RSER) ⁶	.20 (.15 RSER) ⁶	.15	.20 (.15 RSER) ⁶
Agriculture	AP	not allowed	not allowed	not allowed	not allowed	.10
	SA	.15	.15	.15	.15	.15
	AgR	not allowed	not allowed	not allowed	.15 outside CCSSO	not allowed
Commercial Low (Neighborhood Commercial)	CL-O	.35	.20	.20	.20 ⁵	.20
	CL	.20 w/o PDD ^{1,3} .25 w/ PDD ^{1,3} .50 non-retail only	.10 1.0 w/ TMD	.10 1.0 w/ TMD	.10 ⁵ .35 w/ CCSSO .40 w/ TMD ⁴	.10
Commercial High (Community or Regional Commercial)	CH-O	.35 w/o PDD .50-.85 w/ PDD ²	not allowed	not allowed	not allowed	not allowed
	CH	.35 w/o PDD ¹ .50-.85 w/ PDD ² .85-1.0 ³	not allowed	not allowed	not allowed	not allowed
Industrial	IND	.45	not allowed	not allowed	.45	.45
	EDC	.45	not allowed	not allowed	not allowed	not allowed
Commercial Recreation		.10-.50	not allowed	.05	.05	.05
Parks & Recreation		.10-.45	.10	.10	.10	.10
Conservation		.05	.05	.05	.05	.05
Institutional & Public Facilities		.1-.45	.20	.10	.10	.10
Transportation & Utilities		.10-.45	.10	.05	.05	.05
Traditional Town Development		1.0	not allowed	not allowed	not allowed	not allowed

Notes:

1. For Commercial Low (CL) and Commercial High (CH), the maximum allowable FAR for non-retail projects is .50.
2. For Commercial High (CH) and Commercial High Office (CH-O), the maximum allowable FAR is .50 for MUPD planned developments and .85 for MXPDP planned developments, as defined in the ULDC.
3. Provided development furthers the objectives and policies of the Comprehensive Plan, an exception to the FAR, up to 1.0 may be permitted to allow for: a) infill development; b) mixed-use development (MXPDP); or c) Traditional Neighborhood Development (TND); or d) Traditional Market Place Development (TMD); or Traditional Town Development (TTD).
4. For Ag Reserve TMDs the FAR is calculated on the total area of the development, including both the developed and preserve area.
5. Only future land use designations of Commercial Low located in the Agricultural Reserve Tier and approved prior to January, 2002, shall be allowed to develop at this FAR.
6. ~~This maximum FAR is limited to parcels utilizing the Rural Services zoning district (RSER).~~

Policy 2.2.1-a: The County shall establish and maintain maximum densities, as specified in Table 2.1-1, in the residential future land use categories. To obtain the maximum density for a property of Low Residential 2 or greater, the development must receive a development order for a Planned Development District, Traditional Development District, or be granted an exemption pursuant to provisions of this element.

Policy 2.2.2-a: The County shall apply the following range of commercial future land use categories at appropriate locations and intensities to satisfy the need for commercial space. One of these categories shall be designated on the Future Land Use Atlas once a future land use amendment for a commercial designation is approved.

1. Commercial Low (CL) Intensity - The CL category shall include a limited range of neighborhood-oriented commercial activities intended to provide services to adjacent residential areas. The maximum floor area ratio shall be as defined in Table 2.1-2. The land development regulations developed to implement the CL category shall contain site design requirements to ensure compatibility with adjacent uses. Additionally, ~~within the CL category, the uses shall be further restricted in the Exurban and Rural Tiers to maintain the local character~~ uses may be restricted in the Rural, Exurban and Ag Reserve Tiers;
2. Commercial High (CH) Intensity - The CH category shall include a wide range of uses, intended to serve a community and/or regional commercial demand. The CH category shall only be applied in the Urban/Suburban Tier. The land

- development regulations developed to implement the CH category shall contain site design requirements to ensure compatibility with adjacent uses;
3. Commercial Low Intensity-Office (CL-O) - The CL-O category shall include a limited range of neighborhood-oriented office and accessory uses intended to provide services to adjacent residential areas. The intensity of the use shall be consistent with the intensity levels as defined in Table 2.1-2. The CL-O uses may be restricted in the Rural, Exurban and Ag Reserve Tiers; and,
 4. Commercial High Intensity-Office (CH-O) - The CL-O and CH-O categories exclusively permit office uses and accessory uses shall include higher intensity office and accessory uses, intended to serve a community and/or regional commercial demand. The CH-O category shall only be applied in the Urban and Suburban Tier. The intensity of the office use shall be consistent with the intensity levels as defined in Table 2.1-2 established pursuant to the CL and CH categories, respectively. The CL-O and CH-O categories may be applied by the Board of County Commissioners to ensure compatibility with adjacent future land uses or to satisfy other Goals, Objectives and Policies of the Comprehensive Plan. The CH-O category shall only be applied in the Urban/Suburban Tier.

Policy 2.2.2-i: The ULDC shall be revised to institute neighborhood-oriented zoning districts which are only classified under the CL future land use category designation. At a minimum, characteristics which describe neighborhood commercial must include: F.A.R., total square feet, square feet of the largest tenant, and acreage. These changes should employ the F.A.R. ranges stipulated in Table 2.1-2: "Maximum Floor Area Ratios for Non-Residential Future Land Use Categories", ~~and shall re-evaluate and assign all commercial zoning districts to either CL or CH future land use categories based on neighborhood or community/regional commercial service areas; no zoning district should be classified in both CL and CH.~~

Policy 2.2.4-b: A Planned Industrial Park Development District (PIPD) is an economic activity center primarily designed to accommodate and promote manufacturing industry and other value-added activities. Uses such as hotels and offices that support the manufacturing and other value-added activities shall be permitted. Residential uses may be permitted within the ~~Planned Industrial Park Development District (a PIPD)~~ only provided: 1) the amount and type of jobs (work force) created by the industrial use is rationally related to the amount and type of residential uses; 2) the amount of residential uses would lessen land use imbalances within a sector; 3) internal trip capture concurrent with the build out of the PIPD is demonstrated; 4) recreation to meet the needs of the residential population is provided; and, 5) a balanced mix of land uses is provided to meet the needs of the residential population and projected work force.

Policy 2.2.10-c: Traditional Town Developments shall be located within the Urban/Suburban Tier. ~~A TTD shall require a minimum of 1,280 acres.~~

Policy 2.2.10-d: A Traditional Town Development shall consist at a minimum, of a series of TNDs, as further regulated in the ULDC, ~~neighborhoods, each of which shall have a minimum of 40 acres and a maximum of 160 acres and a town center in the form of a Traditional Marketplace (TMD), linked by an interconnected vehicular and pedestrian network.~~

Policy 2.2.10-e: Applications for the TTD designation shall require a master plan which shall be a condition of approval of the TTD amendment and shall serve as the basis for all future development within the TTD. ~~The master plan shall be based upon a regional analysis indicating the range of uses within the vicinity of the proposed TTD and the projected need for alternative uses. Additionally, the master plan shall indicate how the TTD will meet that need and assist in achieving a better balance of future land uses. Modifications to the mix of uses described in Table 2.2.10-1 may be approved by the County upon submittal of a regional analysis that indicates an imbalance in the current mix of uses within the vicinity of the proposed TTD which would justify a different mix of uses within the TTD.~~

If a project is to be built in phases, each phase shall include a balanced share of the proposed residential, recreational, open space, commercial, and other sites and building amenities of the entire development. Those phases which include components that are not part of the individual neighborhoods, such as employment, recreation, and education centers, should be timed and built in a sequence that would contribute to the completion of the TTD development as a whole. ~~If the phasing plan is not followed, or if the approved TTD or individual neighborhood land use mix is not achieved, the TTD shall be~~

~~revisited (re-examined) by the BCC for compliance with the Code, (Compliance with Conditions of Approval and Time Certain Requirements). After review of the development, the BCC may consider several options to correct/mitigate the imbalance in the land use mix including, but not limited to: initiating a land use amendment; or initiating a petition to modify or add conditions to the development order approval.~~

Policy 2.2.10-f: The TTD designation is subject to revocation if the development fails to meet the conditions and regulations outlined in the Comprehensive Plan and the Unified Land Development Code. ~~Failure to proceed with the development, or failure to comply with the conditions of approval, if so determined by the Board of County Commissioners, under the procedures set forth in the Unified Land Development Code, shall result in t~~The Board of County Commissioners may ~~initiating~~ initiate a future land use amendment to revoke the TTD designation and consider returning all undeveloped portions of the property to their original future land use designations or modify conditions of approval during the next scheduled round of Comprehensive Plan Amendments.

TABLE 2.2.10-1
ALLOWABLE MIX OF FUTURE LAND USES IN A TTD

Future Land Use	DENSITY/ INTENSITY	MINIMUM *	MAXIMUM *
RESIDENTIAL (TTD)		51%	-
-Neighborhood:		55%	
• Low Density	>0 - 4 du/ac	10%	55%
• Medium Density	4.1 - 8 du/ac	20%	25%
• High Density	8.1 - 18 du/ac	-	20%
COMMERCIAL/OFFICE (TTD)	1.5 FAR	4%	15%
-Neighborhood			
• Shopfront*	1.5 FAR	4%	15%
LIGHT INDUSTRIAL/WORKPLACE (TTD)	2.0 FAR	2%	20%
-Neighborhood			
• Workplace*	2.0 FAR	2%	20%
RECREATION/OPEN SPACE (TTD)		10%	-
USEABLE OPEN SPACE (TTD)*		5%	-
-Neighborhood			
• Recreation/Open Space		2%	-
INSTITUTIONAL AND PUBLIC FACILITIES (TTD)	0.75 FAR	4%	
-Neighborhood			
• Civic (Private)*	0.75 FAR	2%	-

* ——— See Definitions section of Introduction/Administration for explanations of future land uses specific to TTDs.

Policy 2.2.11-b: The following minimum standards shall apply to proposed MLU designations during the amendment review process and will be affixed to the approved MLU project in the adopting ordinance:

- 1) Underlying Land Use Designations: The project must have a minimum of two different land use designations at least one of which shall be residential (i.e. Residential, Commercial, Industrial). The project shall have minimum and maximum ~~acreages and~~ intensities/densities for each land use. The following criteria shall apply towards the land use designations:
 - a) Residential Density: The maximum number of units for the parcel shall be calculated by multiplying the total acreage of the parcel by the density permitted with the original residential land use category (if the property has a non-residential land use designation, then the density permitted shall be determined by the Planning Director, based on consistency with surrounding land use designations) at the time the amendment is submitted for projects which include significant vertical integration (involving a minimum of 10% of the total allowed dwelling units). Projects that demonstrate only horizontal integration may receive a maximum of 50% of the density permitted for the entire parcel. However, the maximum allowed number of units may be reduced and limited by the County during the review process. Additional density may be allowed, through the Transfer of Development Rights

program and/or the Voluntary Density Bonus Program following an concurrent with approval of an MLU project amendment.

- b) Non-residential Intensity: The maximum intensity for each proposed non-residential use shall be calculated by ~~multiplying the project acreage for the category by the maximum floor to area ratio allowed under the category. The maximum intensity cannot exceed this figure.~~ assigning all non-residential uses a percentage of the total site area, not to exceed 100% for vertically integrated projects; 50% for non-vertically integrated projects. However, ~~the~~ maximum intensity for each of the projects non-residential land use designations may be reduced and limited by the County during the review process considering the extent of integration of uses within the project.

Policy 2.6-b: The Transfer of Development Rights program shall be the required method for increasing density within the County, unless an applicant can both justify and demonstrate a need for a Future Land Use Atlas (FLUA) Amendment and demonstrate that the current FLUA designation is inappropriate, as outlined in the Introduction and Administration Element of the Comprehensive Plan, or the applicant is using the Voluntary Density Bonus program, as outlined in the Housing Element of the Comprehensive Plan and ~~Section 6.9 of the~~ Palm Beach County Unified Land Development Code.

Policy 2.6-f: Potential receiving areas shall be inside the Urban/Suburban Tier and shall include:

1. Planned Development Districts (PDD) and Traditional Development Districts (TDD) that are requesting an increase in density above their current PDD land use designation limits; and,
2. Subdivisions requesting a bonus density above the standard land use designation density.

III. Implementation

Uses Discouraged in Residential AreasFuture Land Use Categories. Large-scale Park and Recreation uses, Institutional and Public Facility uses, and Utilities and Transportation uses designed to serve regional needs, including regional parks, regional water and wastewater treatment plants, power transmission facilities, power plants, solid waste transfer stations and disposal sites are discouraged in residentially designated areas and may be permitted only subject to the siting criteria of the appropriate regulatory authority(ies) as well as any special review and siting criteria adopted by the Board of County Commissioners.

Standard and Maximum Density Exemptions - Urban/Suburban Tier. Densities greater than those indicated in Table 2.1-1 may be granted as follows:

1. Parcels may achieve up to the Maximum Density pursuant to FLUE Policy 1.2.2-a (for infill), or FLUE Policy 1.2-g (for mobile home parks);
2. Parcels may be granted density above the Standard and/or Maximum Density pursuant to the Transfer of Development Rights Program, Voluntary Density Bonus Program, and/or a Special Overlay outlined in this Element;
3. Parcels that are developed as Traditional Town Developments.

2. Commercial Uses

General. The uses listed below are allowable within the Commercial future land use designation, where permitted by the Unified Land Development Code.

- 1) Parks and Recreation;
- 2) Conservation;
- 3) Institutional and Public Facilities;
- 4) Transportation and Utility Facilities;
- 5) Communication Facilities;
- 6) Non-residential agricultural uses as provided by the Unified Land Development Code;
- 7) Mining and excavation, subject to the limitations;
 - a) Congregate living facilities, provided these areas are of an intensity compatible with the density of any adjacent residential neighborhoods and subject to other locational and density requirements of the Unified Land Development Code. The overall residential density will not exceed that of the underlying use;

- b) Dwelling units as expressed by the underlying alternative land uses where the Board of County Commissioners ~~(1) denies a commercial rezoning, or (2) approves a rezoning to a residential district consistent with the underlying residential land use;~~
 - c) Mixed commercial/residential planned developments within the Urban/Suburban Tier. The overall number of units will not exceed that calculated by the underlying residential category;
 - d) Caretakers' quarters.
- 9) Uses and structures accessory to permitted uses.

Alternative Uses. The Future Land Use Atlas identifies alternative residential densities or industrial land uses for areas designated as commercial. The alternative use will permit development ~~if the commercial need cannot be demonstrated or if commercial development is incompatible with the area~~ provided maximum allowable densities or intensities are not exceeded.

Commercial Office Uses - Commercial Low and Commercial High. Offices for administrative, professional and business purposes; banking and financial institutions; membership organizations; and, uses that are accessory to the office use including restaurants, personal services and health clubs may be permitted in any of the four Commercial categories. ~~The CL-O and CH-O categories exclusively permit office uses and accessory uses.~~

9. TRADITIONAL TOWN DEVELOPMENT

It is the purpose of the Traditional Town Development (TTD) future land use designation to encourage mixed-use, compact development which is sensitive to environmental characteristics of the land, and which facilitates efficient use of services within the County. The TTD provides an opportunity for diversification and integration of land uses including residential, retail, office, recreation, etc., within close proximity to each other, providing for the daily recreation and shopping needs of the residents. ~~It is not the intent of a TTD land use approval to encourage an increase in densities or intensities of development in the areas adjacent to the TTD.~~ While a mixture of uses is required, the TTD shall be a residentially-based development.

Traditional Town Characteristics. The Traditional Town Development (TTD) future land use designation shall provide for community planning, which is guided by sensible and desirable attributes of a "traditional neighborhoods." Traditional Town Developments share the following characteristics: They shall:

1. have neighborhoods which are pedestrian oriented, physically recognizable, developed at a human scale, limited in size (allowing residents to walk to the neighborhood center within approximately five minutes), and efficiently organized to provide for the daily needs of the residents;
2. have residences, shopping, employment and recreational uses, which are all located within the neighborhoods, and within close proximity to each other;
3. have a hierarchy of streets to serve the needs of the pedestrian and the motorist;
4. be primarily pedestrian-oriented design and secondarily for vehicles, through the development of pedestrian and bikeway circulation systems, which serve to functionally and physically integrate the various land use activities;
5. have physically defined and linked squares and parks within neighborhoods, which provide places for social activity and active/passive recreation. The linking of these places through the use of greenways increases accessibility to the recreational facilities;
6. have well placed civic buildings and squares provide places for social, cultural and religious activities, and become symbols of community identity;
7. have commercial uses supportive of the residential development;
8. be predominantly residential, requiring a minimum of ~~54~~55% of the development area be devoted to residential uses primarily as TNDs. (Up to 10% of the area of a TTD may be PUDs.) In addition, each neighborhood TND shall contain mixed-use development allowing for the horizontal and vertical integration of, as well as the clustering of, living, working, recreational, open space, shopping, and civic uses;
9. contain a centrally located ~~core~~ TMD comprising shopping, employment and civic uses;
10. meet all adopted levels of service, as specified in the Comprehensive Plan, and all urban services shall be available concurrent with the impacts of development;

11. provide for a variety of housing types, including low and very low income housing, and neighborhoods shall contain a variety of these housing types;
12. include building setback requirements, which allow buildings to abut front sidewalks; however, streetscape requirements must be met as outlined in the ULDC;
13. allow for the provision of alleys;
14. allow for the provision of on-street parking to buffer walkways from the road and increase overall pedestrian safety;
15. include standards for parking, which acknowledge the pedestrian nature of the community, permit pervious surface parking, and provide parking behind buildings;
16. achieve a ~~40~~ 20% internal capture rate for transportation;
- ~~17.~~ 16. be designed to include mass transit (including land for bus stops) and accessibility to existing mass transit, where available, and provide alternative modes of transportation, such as bikeways and pedestrian paths;
- ~~18.~~ 17. be designed to provide for well defined public spaces, buildings, and vistas which terminate on focal points. Usable public open space shall comprise a minimum of five (5) percent of the developable area. Linkages between open spaces, in the form of pedestrian and bike paths, shall be provided for within and outside the development;
- ~~19.~~ 18. incorporate detailed performance standards which allow for regulating buildings by general category of use (building type) rather than by specific use;
- ~~20.~~ 19. provide for and maintain extraordinary landscaping/recreation facilities/sign control/design and development standards;
- ~~21.~~ 20. reduce the intensity/density of that portion of the development which is contiguous to any priority acquisition sites designated by the Conservation Lands Acquisition Selection Committee or its successor, so that the development is compatible with, and does not destroy or negatively impact the environmentally sensitive area; and
- ~~22.~~ 21. have neighborhoods with centers, which contain civic and commercial uses that serve the daily needs of the residents (~~ie. shopping, recreation~~). ~~The neighborhoods should be within a quarter mile walk (approx. 5 minutes) of 90% of the neighborhood's residential areas. The exact shape of the neighborhoods is not essential.~~

Land Use Amendment Process. ~~Use of the TTD permits the property to be developed with a larger percentage of commercial and mixture of uses than multiple use developments allowed under the Planned Development regulations. The TTD shall be permitted as a Land Use designation in the Urban/Suburban Tier, only.~~

- ~~1. A TTD outside the Urban/Suburban Tier shall require a land use amendment and an amendment to extend the Urban/Suburban Tier.~~
2. When a TTD is approved as a Comprehensive Plan Map amendment, and the TTD does not commence within the time frames outlined in the ULDC (Compliance with Time Limitations and Conditions of Approval), or as specified in the Development Order, including any administrative extension, ~~the BCC shall revisit the project and consider the option to County may initiate a Comprehensive Plan Map Amendment to remove the TTD and the underlying land use designation would remain in effect, or to modify its conditions of approval. However, if the TTD was applied to a project originally located outside of the Urban/Suburban Tier, the BCC shall revisit the project and consider the option to initiate a Comprehensive Plan Map Amendment to change the land use designation back to the designation existing prior to the TTD amendment. In reviewing the development, the BCC shall consider at a minimum:~~
 - ~~a. if the TTD is still consistent with the surrounding land uses;~~
 - ~~b. if land use changes have occurred within the designated region which would impact or change the land use balance for the TTD;~~
 - ~~c. whether or not infrastructure improvements or changes have been made to the subject property or adjacent properties;~~
 - ~~d. whether or not the developer is acting in good faith to initiate the project;~~
 - ~~e. if financial or economic changes have occurred which may have interfered with the ability of the property owner to meet the time requirements; and,~~
 - ~~f. the existence of extraordinary mitigating factors.~~

~~In addition to revocation of the TTD, other possible actions by the BCC include, but are not limited to an amendment to another future land use designation or additions or modifications to conditions of approval for the TTD.~~

Underlying Land Use. The TTD shall have associated with it an underlying urban residential land use designation that must be compatible with the surrounding area. At the time a TTD amendment is requested, the underlying residential land use designation shall be established, based on the existing residential land use designation. The underlying residential land use designation may also be amended as part of the TTD land use amendment if the existing residential land use designation is determined to be insufficient to accommodate the desired TTD residential density.

The underlying residential future land use designation shall be the future land use designation maintained in the event the TTD is revoked, ~~unless the project was originally outside the Urban/Suburban Tier.~~ (For example, if the current future land use designation is Low Residential - 1 (LR-1) and the applicant is attempting to develop a TTD, the applicant may request an underlying future land use designation such as Low Residential - 2 (LR-2). The underlying residential future land use designation must be compatible with the surrounding area. If the underlying residential future land use designation is approved, and the minimum criteria for a TTD have been met, a TTD/LR-2 Land Use Amendment would be approved. This would allow the property to be developed at a higher density/intensity (up to an additional 2 du/acre). However, if the BCC initiates an amendment to remove the TTD Land Use Category, the underlying future land use designation would be LR-2.

~~**Region Analysis Report.** The required Region Analysis Report shall address the proposed development's relationship to the surrounding area. The primary objective of the regional planning method is to mitigate imbalances or deficiencies in the area's land use mix. The purpose of balancing land uses is to reduce the TTD's impact on the external infrastructure while enhancing the quality of life within the region.~~

A region is an area within a given jurisdiction that is defined by geographic and socio-economic characteristics. The developer shall indicate the boundaries of the region and justification for these boundaries. A region shall be comprised of census tracts and follow census boundaries. The composition of the tracts can vary, and one or more tracts can be used to define a region. The Region Analysis Report shall also include a description of the methodology used to analyze the region, including the raw data used (the most recent census data shall be used or actual survey data), the analysis procedures and the resulting affordable housing and land use mix recommendations.

~~At a minimum, the developer shall identify imbalances between the following types of uses, and justify how the TTD will mitigate the imbalances or deficiencies which were identified within the region:~~

- ~~1. employment and housing, including the affordability of housing (housing cost matching jobholders' ability to pay costs based on salary potentials);~~
- ~~2. commercial and residential uses; and,~~
- ~~3. recreation/open space and residential uses.~~

~~**The Zoning Process.** In applying for TTD Zoning, the developer must present a complete master plan and site plan. The site plan shall include all lot dimensions, landscape plans, street profiles, building footprints and elevations for the entire project. These plans will: 1) be subject to administrative review by the Planning Division for consistency with the TTD criteria; and, 2) be followed through all phases of the development and become an integral part of the TTD approval.~~

10. MULTIPLE LAND USE DEVELOPMENT

It is the purpose of the Multiple Land Use (MLU) future land use designation to allow and facilitate the development of innovative multiple use projects. The MLU designation can be applied for through the FLUA amendment process. ~~The approval of a MLU is the only means in which a property owner can obtain and utilize both the commercial intensity and residential density for a subject site (as governed by the applicable policies in this Element).~~

C. OTHER MIXED-USE DEVELOPMENT TYPES

Traditional Marketplace Development

The purpose of a Traditional Marketplace Development (TMD) is to provide the community with an alternative ~~C~~commercial development pattern that promotes concentrated, mixed-use areas for shopping, entertainment, business, cultural and housing opportunities. This shall be accomplished by allowing for a mix of uses in a manner that creates a stronger pedestrian orientation through design, placement and organization of buildings and common public space while dispersing parking. This alternative form of development provides a more efficient pattern

of development, and more cost effective delivery of service while increasing the sense of community. The County shall provide for a Traditional Marketplace Planned Development in the Urban/Suburban, Exurban, Agricultural Reserve, and Rural Tiers and shall ensure that it is designed to be compatible with the Tier of development. The basic principles are described below shall be used as a guide to create standards to implement this alternative Commercial development pattern.

The Traditional Marketplace Development shall be comprised of community ~~commercial land~~ serving uses. These ~~land~~ uses may include, but will not be limited to, shops and services, retail, office, restaurant, and civic uses such as schools, places of worship, and government services. The compact design, low intensity land use does not permit the siting of ~~outparcel retail~~ "freestanding", or "big box" commercial. The floors above the shops and offices have the potential to provide either housing or residential/business as live/work units ~~through a density conversion spaces~~.

I. ZONING CONSISTENCY

Status of Existing Development Approvals/ Non-Conforming Uses, Structures

The Future Land Use Element encourages the elimination or reduction of those existing uses and activities and already approved uses and activities that are inconsistent with the Comprehensive Plan. The land development regulations and review processes implemented pursuant to this Future Land Use Element will recognize existing development approvals which have been issued a final development order and development has commenced and is continuing in good faith ~~received vested status~~ for both density (if applicable) and concurrency. ~~as determined by the criteria and standards set forth in the Land Use Element.~~

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on November 24, 2003
DATED at West Palm Beach, FL on 12/17/03.
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.